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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/723,100

11/26/2003

Patrick J. Sweeney

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EXAMINER

SOREY, ROBERT A

ART UNIT

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4194

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/723,100	Applicant(s) SWEENEY, PATRICK J.	
	Examiner ROBERT SOREY	Art Unit 4194	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>11/26/2003</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 16-35 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential steps, such omission amounting to a gap between the steps. See MPEP § 2172.01. The omitted steps are: the selection of a health care process. At no point in the claims does applicant detail the actual selection of the health care process to be displayed. The examiner postulates that the omitted step occurs somewhere between the displaying of a health care process list (claim 16) and perhaps immediately after displaying the second human body image (claim 21).

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-2 and 15 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Application Publication 2002/0194023 to Turley et al.

5. As per claim 1, Turley et al. teaches a computer system for displaying health care processes comprising:

--a network (Fig. 1, ele. 16)(see: at least paragraphs 7, 8 and 16);

--a server coupled to the network and in communication with a health care process database, the health care process database storing a plurality of health care processes, the server programmed to receive signals representative of a unique health care process and the server programmed to send in response to the signals information illustrative of the health care process (Fig. 1)(Fig. 7, ele. 100)(see: at least paragraphs 8, 18, 25, 26, and 41);

--a computer coupled to the network, the computer programmed to display an interactive user interface for selecting a health care process, communicate with the server when a user selects a health care process (Fig. 1, ele. 14)(see: at least paragraphs 8, 18, and 25);

--receive information illustrative of the health care process from the server, decode information (Fig. 1, ele. 12, 16, 18, and 20)(see: at least paragraph 20); and

--display the health care process to the user (Fig. 1, ele. 22)(see: at least paragraphs 19 and 25).

6. As per claim 2, Turley et al. discloses the invention as claimed, see discussion of claim 1, and further teaches:

--the interactive user interface is a graphical interface (Fig. 3)(see: at least paragraphs 10 and 31).

7. As per claim 15, see the discussion of claim 1.

8. As per claim 16, Turley et al. discloses the invention substantially as claimed, see discussion of claim 15, and further teaches:

--the step of displaying a health care process list (Fig. 7)(see: paragraphs 40 and 41).

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 3-6 and 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication 2002/0194023 to Turley et al. in view of U.S. Patent 6,208,974 to Campbell et al.

11. As per claim 3, Turley et al. discloses the invention substantially as claimed, see discussion of claim 2, and further teaches:

--the graphical interface includes a human body image (Fig. 3)(see: at least paragraphs 10 and 31).

Turley et al. disclose the invention substantially as claimed, but fails to specifically point out that the graphical image is a full human body; however, Campbell et al. teaches "a graphical representation of the pet" and displays the pet's full body (Fig. 7, ele. 702 and 704)(see: column 16, lines 1-2). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Turley et al. and Campbell et al. with the rationale of providing the medical care person with the ability to select any part of a body representing a human being.

12. As per claim 4, Turley et al. discloses the invention substantially as claimed, see discussion of claim 3, and further teaches:

--the computer includes a mouse for interacting with a first human body image (see: paragraph 24).

13. As per claim 5, Turley et al. discloses the invention substantially as claimed, see discussion of claim 4, and further teaches:

--the mouse is used to move a pointer over the first human body image (see: paragraph 24).

14. As per claim 6, Turley et al. discloses the invention substantially as claimed, see discussion of claim 5, and further teaches:

--the computer is programmed to display a menu of different health care processes when the mouse is placed over a portion of the first human body image (Fig. 7)(see: paragraphs 40 and 41).

15. As per claim 17, see the discussion of claims 2 and 3.

16. As per claim 18, see the discussion of claim 6.

17. As per claim 19, see the discussion of claim 5.

18. Claims 7-11 and 20-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication 2002/0194023 to Turley et al. in view of U.S. Patent 6,208,974 to Campbell et al. and further in view of U.S. Patent Application Publication 2005/0039138 to Urbina.

19. As per claim 7, Turley et al. discloses the invention substantially as claimed, see discussion of claim 6, but fails to teach:

--the computer is programmed to magnify a portion of the first human body image when the mouse is placed over a portion of the first human body image.

However, Urbina teaches a computer system that magnifies an image when the user hovers the mouse pointer over an image (see: paragraph 3). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Turley et al. and Urbina with the rationale allowing the user to enlarge the images for a better view.

20. As per claim 8, Turley et al. discloses the invention substantially as claimed, see discussion of claim 7, and further teaches:

--the computer is programmed to present a second human body image when the mouse is placed over a portion of the first human body image and a button on the mouse is actuated (Fig. 3 and 4)(see: paragraph 29).

21. As per claim 9, Turley et al. discloses the invention substantially as claimed, see discussion of claim 8, and further teaches:

--the computer is programmed to present a third human body image when the mouse is placed over a portion of the second human body image and the button on the mouse is actuated (Fig. 4 and 5)(see: paragraph 30).

22. As per claim 10, Turley et al. discloses the invention substantially as claimed, see discussion of claim 9, and further teaches:

--the health care process contains text (see: paragraph 26).

23. As per claim 11, Turley et al. discloses the invention substantially as claimed, see discussion of claim 10, and further teaches:

--the health care process contains text and graphical images (Fig. 7)(see: paragraph 25).

24. As per claim 20, see the discussion of claim 8.

25. As per claim 21, see the discussion of claim 8.

26. As per claim 22, see the discussion of claims 10 and 11.

27. Claims 12-14 and 23-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication 2002/0194023 to Turley et al. in view of U.S. Patent 6,208,974 to Campbell et al. in view of U.S. Patent Application Publication 2005/0039138 to Urbina and further in view of U.S. Patent Application Publication 2004/0068478 to Stubbs.

28. As per claim 12, Turley et al. discloses the invention substantially as claimed, see discussion of claim 11, but fails to specifically point out:

--the health care process contains an audio presentation.

However, Stubbs teaches an audio instruction system that contains an audio presentation (see: paragraph 8). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Turley et al. and Stubbs with the rationale of providing a means for properly undertaking an activity by using the appropriate instructions (see: Stubbs, paragraph 2).

29. As per claim 13, Turley et al. discloses the invention substantially as claimed, see discussion of claim 12, but fails to specifically point out:

--the health care process contains a video presentation.

However, Stubbs teaches a video instruction system that contains an audio presentation (see: paragraph 7). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Turley et al. and Stubbs with the rationale of providing a means for properly undertaking an activity by using the appropriate instructions (see: Stubbs, paragraph 2).

30. As per claim 14, Turley et al. discloses the invention substantially as claimed, see discussion of claim 13, but fails to specifically point out:

--the computer system includes a language translator for converting the health care process from a first language to a second language.

However, Stubbs teaches an audio-video instruction system that contains audio and visual presentations presented in a preferred language (see: paragraph 6). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Turley et al. and Stubbs with the rationale of providing a means for properly undertaking an activity by using the appropriate instructions in the appropriate language (see: Stubbs, paragraph 2).

31. As per claim 23, see the discussion of claim 12.

32. As per claim 24, see the discussion of claim 13.

33. As per claim 25, Turley et al. discloses the invention substantially as claimed, see discussion of claim 24, but fails to specifically point out:

--the step of determining a user identity.

However, Campbell et al. teaches the step of determining a user identity (see: column 9, lines 1-13). It would have been obvious to one of ordinary skill in the art at the

time the invention was made to combine said teachings with the rationale of attributing an action to the person and team that took the action (see: Campbell et al., column 9, lines 10-13).

34. As per claim 26, Turley et al. discloses the invention substantially as claimed, see discussion of claim 25, but fails to specifically point out:

--the step of determining a user location.

However, Campbell et al. teaches tracking the identity of the user entering the information (see: discussion of claim 25) and based on that identity determining the user's location by "prompting the user for input needed to complete each stage" of a visit (see: column 9, lines 46-64), and that these stages consist of different locations in the facility such as the lobby, exam room, and lab (see: column 9, lines 35-39) among others. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine said teachings with the rationale of tracking the user and patient flow within the facility (see: Campbell et al., column 9, lines 51-54).

35. As per claim 27, Turley et al. discloses the invention substantially as claimed, see discussion of claim 26, but fails to specifically point out:

--the step of forming a first subset of health care processes based upon the user identity.

However, Campbell et al. teaches that "users get access to the system and its functions based on their login name" (see: column 9, lines 3-4). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the access-based-on-identity concept of Campbell et al. and the list of health care

processes as taught by Turley et al. (see: discussion of claim 18) with the rationale of filtering out functions/list options irrelevant to specific individuals and/or people in specific occupational positions.

36. As per claim 28, Turley et al. discloses the invention substantially as claimed, see discussion of 27, but fails to specifically point out:

--the step of forming a first subset of health care processes based upon the user identity.

However, Campbell et al. teaches a system comprising of a server containing a database with software that manages access to its functions based on an authentication table that tracks who is logged into the system and determines on that basis the "functions and data each person will be able to access" (see: column 6, lines 54-67). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the subset-of-processes-based-upon-user-identity concept of Campbell et al. and the health care processes as taught by Turley et al. with the rationale of filtering out functions/list options irrelevant to specific individuals and/or people in specific occupational positions.

37. As per claim 29, Turley et al. discloses the invention substantially as claimed, see discussion of claim 28, but fails to specifically point out:

--the step of forming a second subset of health care processes based upon the user location.

However, Campbell et al. teaches that some "client computers have special attributes that enable them to perform functions relevant to the part of the hospital

where they are located” (see: column 6, lines 10-12). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the function-based-on-location concept of Campbell et al. and the list of health care process as taught by Turley et al. (see: discussion of claim 18) with the rationale of filtering out functions/list options irrelevant to the location where the task is to be performed.

38. As per claim 30, Turley et al. discloses the invention substantially as claimed, see discussion of claim 29, but fails to specifically point out:

- determining a date and a time when the computer implemented method was used; and

- recording in an access database the date, the time and the user identity.

However, Campbell et al. teaches that when a user takes an action their identity is recorded in a database along with the time period during which the action took place (see: column 6, lines 54-67, and column 9, lines 1-13). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine said teachings with the rationale of attributing an action to the person and team that took the action during the time period in which the action was performed for the purpose of generating bills (see: Campbell et al., column 9, lines 10-15).

39. As per claim 31 Turley et al. discloses the invention substantially as claimed, see discussion of claim 30, but fails to specifically point out:

- determining a date and a time when the computer implemented method was used; and

- recording in an access database the date, the time and the user location.

However, Campbell et al. teaches that when a user takes an action their location is recorded in a database along with the time period during which the action took place (see: column 6, lines 10-12 and lines 54-67, and column 9, lines 1-13 and lines 53-54). It would have been obvious to one of ordinary skill in the art at the time in the invention was made to combine said teachings with the rationale of attributing an action at the time it was performed to the corresponding location in which it was performed for the purpose of tracking work flow (see: Campbell et al., column 9, lines 10-13).

40. As per claim 32, see discussion of claim 31.

41. As per claim 33, Turley et al. discloses the invention substantially as claimed, see discussion of claim 32, but fails to specifically point out:

- determining a specific procedure retrieved by the computer implemented method; and

- recording the specific procedure retrieved in the access database.

However, Campbell et al. teaches that actions are attributed to the person and team that took them and recorded in database (see: column 9, lines 12-23, and column 16, lines 14-19). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the said teachings with the rationale that recorded action can be attributed to the person to performed the action for billing purposes (see: Campbell et al., column 9, lines 10-15).

42. Claims 34 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication 2002/0194023 to Turley et al. in view of U.S. Patent 6,208,974 to Campbell et al. in view of U.S. Patent Application Publication

2005/0039138 to Urbina in view of U.S. Patent Application Publication 2004/0068478 to Stubbs and further in view of Official Notice.

43. As per claims 34 and 35, the examiner takes Official Notice that aggregating utilization data is old and well known in the art. For example, health care facilities often record individual actions, and/or actions performed at a specific location, for later review for the purposes of conducting performance evaluations and work flow management studies. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include an analysis of the utilized health care processes as a diagnostic tool for evaluating system user performance evaluations and/or system performance studies.

Conclusion

44. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

45. In related art U.S. Patent Application Publication 2003/0023461 to Quintanilla et al. "a graphical representation of a human body" (Fig. 5, ele. 722)(see: at least paragraph 34) is taught that provides medical care personnel with the ability to select parts of the human body.

46. In related art U.S. Patent Application Publication U.S. 2004/0181549 to Pate an interface for viewing maintenance instruction documents including detailed steps is taught that is supported by media files including audio instruction, photographs, diagrams, three-dimensional models and video instructions (see: paragraph 10).

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47. In related art U.S. Patent Application Publication U.S. 2002/0188478 to Breeland et al. a graphical representation of part of the human body is that allows the user to enlarge images for a better view, including the ability to zoom images (see: paragraph 163 and 164).

48. Any inquiry concerning this communication or earlier communications from the examiner should be directed to ROBERT SOREY whose telephone number is (571)270-3606. The examiner can normally be reached on Monday through Friday 7:30AM to 5:00PM (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Kyle can be reached on (571) 272-6746. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Robert Sorey/
Examiner, Art Unit 4194
14 January 2008

/Charles R. Kyle/
Supervisory Patent Examiner, Art Unit 4194